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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,928	11/18/2003	Ryoji Saiguchi	086142-0606	3047

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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,928

Applicant(s)

SAIGUCHI ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaper et al. (5,829,872).

Schaper et al. discloses a seat having a belt (13) connected to the seat back and the seat cushion (see Figure 2) and configured to inflate (Figure 1) to form a sleeve wall at the side of the seat cushion; and wherein the belt is configured to decrease in length when inflated (see column 3, lines 56-62).

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Castro et al. (5,464,246).

Castro et al. discloses a seat having a belt (131) connected to the seat back and the seat cushion (see Figure 2a) and configured to inflate (Figure 1b) to form a sleeve wall at the side of the seat cushion; and wherein the belt is configured to decrease in length when inflated (see Abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaper et al. in view Pajon et al. (6,050,635).

Schaper et al. is discussed above and fails to show a tilting plate or a belt pretensioner.

Pajon et al. teaches a seat with a plate (5) that tilts upward and a belt pretensioner (6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaper et al. with the teachings of Pajon et al. to add a anti-submarining plate and a pretensioner to the seat in order to further protect the occupant.

Regarding claims 9-11 and 14, as the claims only recite that the belt is pretensioned "when the air belt is inflated", it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the plate and pretensioner when the belt is inflated as this would happen immediately after the crash is detected.

6. Claims 2, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castro et al. in view Pajon et al. (6,050,635).

Castro et al. is discussed above and fails to show a tilting plate or a belt pretensioner.

Pajon et al. teaches a seat with a plate (5) that tilts upward and a belt pretensioner (6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castro et al. with the teachings of Pajon et al. to add a anti-submarining plate and a pretensioner to the seat in order to further protect the occupant.

Regarding claims 9-11 and 14, as the claims only recite that the belt is pretensioned "when the air belt is inflated", it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to operate the plate and pretensioner when the belt is inflated as this would happen immediately after the crash is detected.

7. Claims 9-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaper et al. in view of Ojima et al. (5,782,492).

Schaper et al. is discussed above and fails to show a tilting plate or a belt pretensioner.

Ojima et al. teaches a seat with a belt pretensioner (10) that is limited to the downward direction (by 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaper et al. with the teachings of Ojima et al. to add a pretensioner to the seat in order to further protect the occupant.

As the claims only recite that the belt is pretensioned "when the air belt is inflated", it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the plate and pretensioner when the belt is inflated as this would happen immediately after the crash is detected.

8. Claims 9-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Castro et al. in view of Ojima et al. (5,782,492).

Castro et al. is discussed above and fails to show a tilting plate or a belt pretensioner.

Ojima et al. teaches a seat with a belt pretensioner (10) that is limited to the downward direction (by 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castro et al. with the teachings of Ojima et al. to add a pretensioner to the seat in order to further protect the occupant.

As the claims only recite that the belt is pretensioned "when the air belt is inflated", it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the plate and pretensioner when the belt is inflated as this would happen immediately after the crash is detected.

Allowable Subject Matter

9. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show a seat having an inflating belt attached to the seat back and seat cushion that decreases the length when inflating and wherein the air belt is connected to the tilting plate.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bohmler teaches a restraining system with a tilting plate. Swann shows an inflating belt. Yaniv et al. shows an inflating belt. Mueller shows a side airbag on a seat.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal flourish extending to the right.

David Dunn
Primary Examiner
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